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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,756	08/04/2003	Jerzy Perkitny	MAFZ 2 00063-3	5338
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FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,756

Applicant(s)

PERKITNY ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14-18, 20-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-18, 20-28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of Claims 5, 25, 26 and 29-33 is withdrawn in view of the newly discovered reference(s) to Brandt and Paczkowski. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (US 1,927,265) in view of Brandt (US 1,900,039) in view of Ransil (US 6,554,116 B2). Hume discloses, as described in **Claim 1** a coin housing (note generally that Hume's apparatus appears to have a housing as shown in figure 6), a coin separation member (7) having apertures (8), a coin sorting member (4) having apertures (23-27) on which said coin separation member rotates, and a metering tray (29).

As described in **Claim 2**, Hume discloses that said metering tray has walls, as shown in figures 1 and 2, and opening (31) which allows a single coin to pass. See also col. 2, lines 10-18. **Regarding Claim 4**, this passage also describes hopper (28) as shown in figure 2.

Regarding **Claim 6**, note that said tray (29) can be construed to have a ramp angled downwardly that directs coins to the “adjacent” floor, said floor being the surface of selector plate (4).

Regarding **Claim 7**, note that tray (29) has walls that surround the outer edges of the ramp and the aperture (31). These walls can be construed as “blocking walls”.

Regarding **Claim 8**, note tab (33). See also col. 2, lines 28-33.

Regarding **Claim 9**, see gear wheel (13) which has protuberances in the form of teeth and is part of said separating wheel.

Hume does not expressly disclose, but Brandt discloses a tray/chute (16 and 29) that is integral with the hopper A, illustrated in figure 5.

At the time of the invention, it would have been obvious to one of ordinary skill to design Hume’s tray/chute (29) to be integral with the hopper (28), as taught by Brandt, for the purpose of insuring that coins do not bounce out of the tray. One ordinarily skilled in the art would have found this to be a logical step given Brandt’s teaching/suggestion for making the tray integral with the hopper.

Hume does not expressly disclose, but Ransil discloses an engaging channels (85 and 85’) into which lips (154) engage, for the purpose of fastening the lips to the wall superstructure (158). See figures 6 and 7 of Ransil.

At the time of the invention, it would have been obvious to one of ordinary skill to incorporate an engaging channel at the lip of Hume’s tray/chute (29), as taught by

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Ransil, for the purpose of connecting Hume's tray/chute to connecting elements (32, 33). One ordinarily skilled in the art would have found this to be a logical alternative means of fastening Hume's tray/chute to elements (32, 33) since a channel structure would logically provide further support to Hume's tray due to the added double-wall structure of a channel.

Regarding **Claim 3**, although Hume does not expressly disclose whether or not said opening (31) is smaller than the combined diameter of the smallest two coins meant to be sorted, this depends upon the money system being used as well as the group of coins sorted within a particular money system. Further, it can be argued that for a particular largest diameter size, there will be a particular combination of coins that will meet this criterion. Therefore, it is construed to have been obvious at the time of the invention for one ordinarily skilled to have sized opening (31) to meet this criterion.

4. Claims 10-18, 20-28 and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (US 1,927,265) in view of Paczkowski (US 6,315,159 B1) and further in view of Brennen (US 1,468,874). Hume discloses the apparatus described above.

Hume further discloses, as described in **Claims 10, 14, 18-23, 27 and 36**, a coin housing (note generally that Hume's apparatus appears to have a housing as shown in figure 6), a coin separation member (7) having apertures (8), a coin sorting member (4)

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having apertures (23-27) on which said coin separation member rotates, and a metering tray (29).

Regarding **Claim 13**, note that said tray (29) can be construed to have a ramp angled downwardly that directs coins to the "adjacent" floor, said floor being the surface of selector plate (4).

Regarding **Claim 23**, note that tray (29) has walls that surround the outer edges of the ramp and the aperture (31). These walls can be construed as "blocking walls".

Regarding **Claim 17**, note tab (33). See also col. 2, lines 28-33.

Regarding **Claims 15 and 16**, see gear wheel (13) which has protuberances in the form of teeth and is part of said separating wheel. Further regarding **Claim 19**, note that this gear wheel is also considered to be a toroidal flange.

Regarding **Claims 12 and 24**, see figures 1 and 2 noting that the wall near aperture (31) appears to be parabolic in shape.

Regarding **Claim 34**, note that Hume can be construed as having a stabilizing member that protrudes away from the floor in the form of bracket (33). See figure 2.

Hume does not expressly disclose, but Paczkowski discloses a tray/chute having a floor (60) with a ramp (74, 74') and blocking walls (76, 76').

At the time of the invention, it would have been obvious to one of ordinary skill to incorporate a blocking wall and ramp into Hume's tray/chute (29), as taught by Paczkowski, for the purpose of deflecting coins toward the opening. See Paczkowski, col. 4, lines 35-52.

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Hume does not expressly disclose, but Brennen discloses a tray/chute (12) having an elongated slot (42).

At the time of the invention, it would have been obvious to one of ordinary skill to have modified Hume's opening (31) to be an elongated slot, as taught by Brennen, for the purpose of increasing the space for coins to pass through to the coin sorting apertures on the coin sorting wheel below.

Regarding **Claims 11 and 28**, although Hume does not expressly disclose whether or not said opening (31) is smaller than the combined diameter of the smallest two coins meant to be sorted, this depends upon the money system being used as well as the group of coins sorted within a particular money system. Further, it can be argued that for a particular largest diameter size, there will be a particular combination of coins that will meet this criterion. Therefore, it is construed to have been obvious at the time of the invention for one ordinarily skilled to have sized opening (31) to meet this criterion.

Regarding **Claim 35**, note that it would be obvious to make Hume's apparatus out of thermoplastic material as well as a host of other materials such as iron or aluminum, based upon the requirements of the situation, so as to, for example, reduce the costs of production.

Response to Arguments

5. Applicant's arguments with respect to Claims 1-4, 6-12, 14-18, 20-28 and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claims 1-4 and 6-9, newly cited Ransil discloses an engaging channels (85 and 85') into which lips (154) engage, for the purpose of fastening the lips to the wall superstructure (158). See figures 6 and 7 of Ransil.

At the time of the invention, it would have been obvious to one of ordinary skill to incorporate an engaging channel at the lip of Hume's tray/chute (29), as taught by Ransil, for the purpose of connecting Hume's tray/chute to connecting elements (32, 33). One ordinarily skilled in the art would have found this to be a logical alternative means of fastening Hume's tray/chute to elements (32, 33) since a channel structure would logically provide further support to Hume's tray due to the added double-wall structure of a channel.

Regarding Claims 10-18, 20-28 and 30-36, newly cited Brennen discloses a tray/chute (12) having an elongated slot (42).

At the time of the invention, it would have been obvious to one of ordinary skill to have modified Hume's opening (31) to be an elongated slot, as taught by Brennen, for the purpose of increasing the space for coins to pass through to the coin sorting apertures on the coin sorting wheel below.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

August 22, 2007


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